

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

JOHN BARNHARDT, et al.,)	
)	
Plaintiffs,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	Civil Action No. 4:65-cv-01300-HTW-LRA
)	1300(E)
Plaintiff-Intervenor,)	
)	
v.)	
)	
MERIDIAN MUNICIPAL SEPARATE)	
SCHOOL DISTRICT, et al.,)	
)	
Defendants.)	
)	

DECLARATION OF JOHN S. CUSICK

Pursuant to 28 U.S.C. § 1746, I, John S. Cusick, state as follows:

1. I am an attorney licensed to practice law in the State of New York, and I am counsel for Plaintiffs John Barnhardt, *et al.*, in the above-captioned matter. I have personal and firsthand knowledge of the facts set forth herein and, if called as a witness, I could and would testify competently thereto.
2. On October 23, 2018, Plaintiffs sent the District an amended notice of the Rule 30(b)(6) deposition and requested that the District produce a witness (or witnesses) who is (or are) knowledgeable about specified topics, including law enforcement and the 2013 Consent Decree.
3. The District designated the Meridian Public School District Police Department Chief of Police Ricardo Clayton as its Rule 30(b)(6) designee for noticed topics about law enforcement and the 2013 Consent Decree.

4. On November 12, 2018, Plaintiffs attempted to depose Chief Clayton. However, during the deposition Chief Clayton was unprepared to substantively discuss a number of the topic areas.
5. On November 15, 2018, at 10:44 am EST, Plaintiffs asked the District for its position on this motion. In response at 12:48 pm EST on November 15, the District asked for questions that the Plaintiffs contend Chief Clayton did not answer during the Rule 30(b)(6). On November 16, 2018 at 3:15 pm EST, Plaintiffs provided the line of questions, as well as a brief explanation. Plaintiffs also asked for the District's position again. Exhibit 4.
6. The District responded to the United States and Plaintiffs at 5:26 pm EST. Exhibit 5.
7. In response at 6:16 pm EST, Plaintiffs responded to the District and asked it to execute a copy of an attached good faith certificate regarding this motion. The District refused to execute the agreement, contending that Plaintiffs did not negotiate in good faith in an email at 6:27 pm EST. At 7:59 pm EST, Plaintiffs sent another email explaining the areas in which Chief Clayton was unprepared to testify. Exhibit 6.
8. At 9:35 pm EST, Plaintiffs sent an email indicating that the parties appeared to be at an impasse and would proceed accordingly. Exhibit 4.
9. Attached as Exhibit 1 to Private Plaintiffs' Motion to Seek Leave to Re-depose an Unprepared 30(b)(6) Designee is a true and correct copy of the Plaintiffs' October 23, 2018 amended notice of the Rule 30(b)(6) deposition.
10. Attached as Exhibit 2 to Private Plaintiffs' Motion to Seek Leave to Re-depose an Unprepared 30(b)(6) Designee is a true and correct copy of the Meridian Public School District Campus Police Department Law Enforcement Policies & Procedures with Associated Forms, which was introduced as Exhibit 5 during Chief Clayton's deposition.

11. Attached as Exhibit 3 to Private Plaintiffs' Motion to Seek Leave to Re-depose an Unprepared 30(b)(6) Designee is a true and correct copy of Exhibits 9, 10, 11 that were introduced during Chief Clayton's deposition.
12. Attached as Exhibit 4 to Private Plaintiffs' Motion to Seek Leave to Re-depose an Unprepared 30(b)(6) Designee is a true and correct copy of the email exchanges between Plaintiffs and the District.
13. Attached as Exhibit 5 to Private Plaintiffs' Motion to Seek Leave to Re-depose an Unprepared 30(b)(6) Designee is a true and correct copy of the email exchanges between Plaintiffs and the District.
14. Attached as Exhibit 6 to Private Plaintiffs' Motion to Seek Leave to Re-depose an Unprepared 30(b)(6) Designee is a true and correct copy of the email exchanges between Plaintiffs and the District.

Dated: November 16, 2018

/s/ John S. Cusick
John S. Cusick
NAACP Legal Defense and
Educational Fund, Inc.
40 Rector Street, 5th Floor
New York, New York 10006
Tel: (212) 965-2200
Fax: (212) 226-7592
jcusick@naacpldf.org

CERTIFICATE OF SERVICE

I hereby certify that on the 16 day of November 2018, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

/s/ Natashe Merle
Natashe Merle
NAACP Legal Defense and
Educational Fund, Inc.
40 Rector Street, 5th Floor
New York, New York 10006
Tel: (212) 965-2200
Fax: (212) 226-7592
kjohnson@naacpldf.org